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Attorneys for Plaintiff
EDUARDO CARIAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDUARDO CARIAS, on behalf of himself
and all others similarly situated,

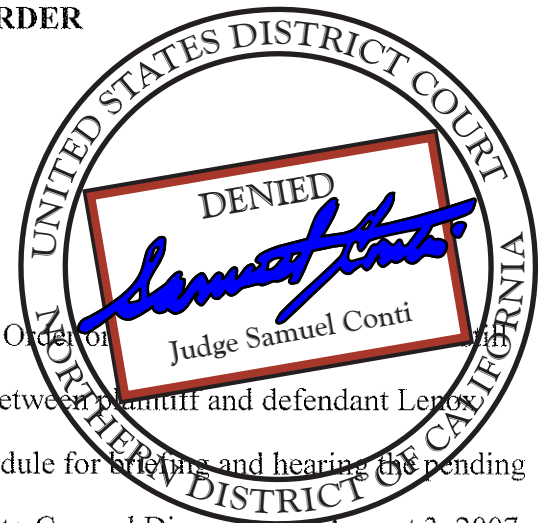
Plaintiff,

vs.

LENOX FINANCIAL MORTGAGE
CORPORATION, LSI TITLE COMPANY;
and DOES 1 through 25,

Defendants.

**STIPULATION AND PROPOSED
SECOND AMENDED SCHEDULING
ORDER**



The Court issued a First Amended Scheduling Order on [redacted] of [redacted] 2007, resolving outstanding discovery issues that remain unresolved between plaintiff and defendant Lenox Financial Mortgage Corporation that relate to the schedule for briefing and hearing the pending summary judgment motions. Plaintiff filed a Motion to Compel Discovery on August 3, 2007, which is not due for hearing until the date assigned by the Court, September 7, 2007, which is well after plaintiff's oppositions to the summary judgment motions are due under the current Scheduling Order. The Court referred the discovery motion to Magistrate Judge Zimmerman. Because plaintiff contends that he cannot respond fully to the pending motions for summary

1 judgment until Judge Zimmerman resolves the pending discovery motion and Lenox complies, it
2 is necessary that the briefing and hearing schedule be deferred by approximately eight weeks,
3 resulting in resolution of the discovery issues, and that all other dates in the case be adjusted
4 accordingly.

5 The parties have met and propose that the Court amend its outstanding Scheduling Order
6 by extending existing dates as indicated below, subject to further Order of Court:

7 Plaintiff's Opposition to Summary Judgment Motions to be filed: the date shall be
8 extended from August 27, 2007 to October 22, 2007

9 Defendants' Replies to Summary Judgment Motions to be filed: the date shall be
10 extended from September 10, 2007 to November 12, 2007.

11 Hearing of Summary Judgment Motions: the date shall be continued from September 21,
12 2007 at 10:00 a.m. to November __, 2007 at 10:00 a.m.

13 Class certification motion to be filed: the date shall be extended from November 19, 2007
14 until January 21, 2008.

15 Class certification opposition to be filed: the date shall be extended from December 17,
16 2007 to February 18, 2008.

17 Class certification reply to be filed: the date shall be extended from December 31, 2007
18 to March 3, 2008.

19 Class certification motion hearing: the date shall be continued from January 11, 2008 at
20 10:00 a.m. until March __, 2008 at 10:00 a.m.

21 Exchange of expert disclosures and reports: the date shall be extended from February 8,
22 2008 until April 4, 2008.

23 Cut-off for all discovery other than experts: the date shall be extended from February 8,
24 2008 until April 4, 2008.

25 Cut-off for expert discovery: the date shall be extended from March 3, 2008 until May 5,
26 2008.

27 Dispositive motions to be filed: the date shall be extended from March 3, 2008 until May
28 5, 2008.

Dispositive motion oppositions to be filed: the date shall be extended from March 24, 2008 until May 19, 2008.

Dispositive motion replies to be filed: the date shall be extended from April 4, 2008 until May 30, 2008.

Dispositive motions hearing: the date shall be extended from April 25, 2008 at 10:00 a.m. until June __, 2008 at 10:00 a.m.

Pretrial Conference: the date shall be continued from April 2, 2008 at 10:00 a.m. to June __, 2008 at 10:00 a.m.

Trial: the date shall be continued from May 5, 2008 until July __, 2008 at 9:30 a.m.
August 27, 2007

LEVY, RAM & OLSON LLP

By Arthur D. Levy
Arthur D. Levy

August __, 2007

BERDING & WEIL, LLP

By: _____
Jeffrey B. Cereghino

August __, 2007

THE DAVIS LAW FIRM

By: _____
James Smith

August __, 2007

KEESAL, YOUNG & LOGAN

By: _____
Ben Suter

ORDER

Good cause appearing, the Court hereby approves the Stipulation and amends its prior Case Management Order as set forth above. It is so ORDERED.

Dated: August __, 2007

UNITED STATES DISTRICT JUDGE

STIPULATION AND PROPOSED SECOND AMENDED
SCHEDULING

1 Dispositive motion oppositions to be filed: the date shall be extended from March 24,
2 2008 until May 19, 2008.

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10 August __, 2007

LEVY, RAM & OLSON LLP

11
12 By: _____
Arthur D. Levy

13 August 21, 2007

BERDING & WEIL, LLP

14
15 By: _____
Jeffrey B. Cereghino

16 August __, 2007

THE DAVIS LAW FIRM

17
18 By: _____
James Smith

19 August __, 2007

KEESAL, YOUNG & LOGAN

20
21 By: _____
Ben Suter

22
23 ORDER

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10 August __, 2007

LEVY, RAM & OLSON LLP

11 By: _____
12 Arthur D. Levy

13 August __, 2007

BERDING & WEIL, LLP

14 By: _____
15 Jeffrey B. Cereghino

16 August 24, 2007

THE DAVIS LAW FIRM

17 By: JS:K
18 James Smith

19 August __, 2007

KEESAL, YOUNG & LOGAN

20 By: _____
21 Ben Suter

22 ORDER

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Arthur D. Levy

August __, 2007

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By: _____
Jeffrey B. Cereghino

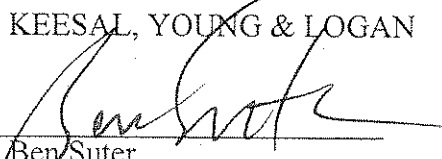
August __, 2007

THE DAVIS LAW FIRM

By: _____
James Smith

August 21, 2007

KEESAL, YOUNG & LOGAN

By: 
Ben Suter

ORDER

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Dated: August __, 2007

UNITED STATES DISTRICT JUDGE

STIPULATION AND PROPOSED SECOND AMENDED
SCHEDULING

PROOF OF SERVICE

I, Cheryl F. Pritchard, state:

I am a citizen of the United States. My business address is 639 Front Street, Fourth Floor, San Francisco, CA 94111. I am employed in the City and County of San Francisco where this mailing occurs. I am over the age of eighteen years and not a party to this action. On August 24, 2007, I served the foregoing document described as:

STIPULATION AND PROPOSED SECOND AMENDED SCHEDULING ORDER

on the following person(s) in this action addressed as follows:

Mr. James Smith
Mr. Robert Cameron Fortner
The Davis Law Firm
A Professional Corporation
625 Market Street
Twelfth Floor
San Francisco, CA 94105

Jeffrey B. Cereghino, Esq.
Steven R. Weinmann, Esq.
Berding & Weil, LLP
3240 Stone Valley Road West
Alamo, CA 94507

Ben Suter
Keesal, Young & Logan
A Professional Corporation
Four Embarcadero Center
Suite 1500
San Francisco, CA 94111

X BY FIRST CLASS MAIL - I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to-wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing this date, following ordinary business practices.

☐ BY PERSONAL SERVICE: - I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

☐ BY OVERNIGHT MAIL - I caused such envelope to be delivered by a commercial carrier service for overnight delivery to the office(s) of the addressee(s).

☐ BY FACSIMILE - I caused said document to be transmitted by Facsimile machine to the number indicated after the address(es) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 24, 2007, at San Francisco, California.


Cheryl F. Pritchard